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March 2, 2012

Via Fed Ex and Certified Mail, RRR

National Labor Relations Board Office of the Executive Secretary 1099 14th Street, NW Washington, D.C. 20570

RE: Flex Frac Logistics LLC and Silver Eagle Logistics LLC, Respondents and Kathy Lopez, Charging Party
Case 16-CA-27978

Dear Executive Secretary:

Enclosed are 8 copies of the following in the referenced matter:

- 1. Exceptions to the Decision of the Administrative Law Judge; and
- 2. Flex Frac Logistics, L.L.C. and Silver Eagle Logistics, L.L.C.'s Brief in Support of Exceptions to Administrative Law Judge's Decision.

Sincerely yours,

Scott Hayes

Enclosures 000581-00005 258149

cc: (with enclosures)

Via Email and Certified Mail, RRR

Erica L. Berencsi
National Labor Relations Board, Region 16
Federal Office Building
819 Taylor Street, Room 8A24
Fort Worth, TX 76102

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UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

FLEX FRAC LOGISTICS, L.L.C. and	§	
SILVER EAGLE LOGISTICS, L.L.C.,	§	
JOINT EMPLOYERS,	§	
Respondents,	§	Case 16-CA-27978
_	§	
and	§	
	§	
KATHY LOPEZ,	§	
Charging Party.	§	

EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE

Pursuant to Section 102.460 of the Rules and Regulations of the National Labor Relations Board, Respondents Flex Frac Logistics, L.L.C. and Silver Eagle Logistics, L.L.C. (collectively "Employer") except to portions of the decision of Administrative Law Judge Brakebusch, dated February 6, 2012, in this matter as follows:

- 1. Administrative Law Judge Brakebusch's finding that including the "personnel information and documents" wording in the agreement Employer "leaves to employees the task of determining what entails 'personnel information and documents' and requires them to speculate as to what kind of information may trigger their discharge" (AD 12: 6-10);
- 2. Administrative Law Judge Brakebusch's finding that the "confidentiality agreement . . . is overly broad and has language that employees may reasonably construe as restricting the exercise of their Section 7 rights" (AD 12: 10-13);
- 3. Administrative Law Judge Brakebusch's finding that Ms. Lopez's termination was unlawful (AD 12: 16);
- 4. Administrative Law Judge Brakebusch's determination that the rule is unlawful and violative of Section 8(a)(1) (AD 12: 25-26);

- 5. Administrative Law Judge Brakebusch's conclusion of law that Employer violated Section 8(a)(1) of the Act "by promulgating and maintaining an overly broad confidentiality rule that employers could reasonably understand to prohibit them from discussing their wages and other terms and conditions of employment" (AD 12: 33-38);
- 6. Administrative Law Judge Brakebusch's conclusion of law that Employer violated Section 8(a)(1) of the Act "by discharging Kathy Lopez pursuant to an overly broad confidentiality rule" (AD 12: 40-41);
 - 7. Administrative Law Judge Brakebusch's proposed Remedy (AD 13: 1-14); and
- 8. Administrative Law Judge Brakebusch's proposed Order (AD 13: 20-32; AD 14: 1-40; AD 15; 1-9).

Respectfully submitted,

State Bar No. 09280050

VINCENT LOPEZ SERAFINO JENEVEIN, P.C.

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ATTORNEY FOR RESPONDENTS FLEX FRAC LOGISTICS, L.L.C. and SILVER EAGLE LOGISTICS, L.L.C.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to the following, via email and certified mail, return receipt requested, on this the 2nd day of March, 2012:

Erica L. Berencsi National Labor Relations Board, Region 16 Federal Office Building 819 Taylor Street, Room 8A24 Fort Worth, TX 76102

Scott E. Hayes

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